

TTAB

Registrant: Stuhlbarg International Sales Company, Inc.
Mark: FIRE WATER PROTECTOR & DESIGN (COLOR)
Registration No. 3,092,805
Mark: FIRE WATER PROTECTOR & DESIGN
Registration No. 3,095,356
Mark: THE FIRE PROTECTOR & DESIGN (COLOR)
Registration No. 3,093,316
Mark: THE FIRE PROTECTOR & DESIGN
Registration No. 3,111,812
Docket No. SISCO.76438

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

John D. Brush & Co., Inc.)
DBA Sentry Group)
Petitioner,)

vs.)

Stuhlbarg International Sales Company, Inc.)
DBA SISCO, INC.)
Registrant.)

78622771
Consolidated Cancellation No. 92047067

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to **Commissioner for Trademarks, Attn: Trademark Trial and Appeal Board** P.O. Box 1451, Alexandria, Virginia 22313-1451 on March 26, 2007


Carrie Rose

REGISTRANT'S ANSWER TO CONSOLIDATED PETITION TO CANCEL

Registrant, Stuhlbarg International Sales Company, Inc. d/b/a SISCO, Inc. hereby answers the Consolidated Petition to Cancel as follows:



03-28-2007

U.S. Patent & TM Office Mail Rept Dt. #72

1. Registrant lacks information or knowledge sufficient to admit or deny the allegations contained in paragraph 1 of the Consolidated Petition to Cancel and based upon said lack of information or knowledge denies each and every allegation contained therein.
2. Registrant lacks information or knowledge sufficient to admit or deny the allegations contained in paragraph 2 of the Consolidated Petition to Cancel and based upon said lack of information or knowledge denies each and every allegation contained therein.
3. In response to paragraph 3 of the Consolidated Petition to Cancel, Registrant, Registrant admits that the United States Patent and Trademark Office TARR system records list Petitioner as the owner of U.S. Trademark Registration No. 1,423,609 for the stylized silhouette of a sentry in a sentry box, surrounded by a stylized flame and U.S. Trademark Registration No. 1,878,430 for the stylized silhouette of a sentry in a sentry box, surrounded by a stylized flame in combination with the word "Sentry" in a stylized font. Registrant denies each and every remaining allegation in paragraph 3.
4. Registrant lacks information or knowledge sufficient to admit or deny the allegations contained in paragraph 4 of the Consolidated Petition to Cancel and based upon said lack of information or knowledge denies each and every allegation contained therein.
5. Registrant lacks information or knowledge sufficient to admit or deny the allegations contained in paragraph 5 of the Consolidated Petition to Cancel and based upon said lack of information or knowledge denies each and every allegation contained therein.
6. Registrant lacks information or knowledge sufficient to admit or deny the allegations contained in paragraph 6 of the Consolidated Petition to Cancel and based upon said lack of information or knowledge denies each and every allegation contained therein.

7. Registrant lacks information or knowledge sufficient to admit or deny the allegations contained in paragraph 7 of the Consolidated Petition to Cancel and based upon said lack of information or knowledge denies each and every allegation contained therein.
8. In response to the allegations contained in paragraph 8 of the Consolidated Petition to Cancel, Registrant admits that the United States Patent and Trademark Office granted Registration No. 3,092,805, for the mark FIRE WATER PROTECTOR & DESIGN, Registration No. 3,095,356, for the mark FIRE WATER PROTECTOR & DESIGN, Registration No. 3,093,316, for the mark THE FIRE PROTECTOR & DESIGN and Registration No. 3,111,812 for the mark THE FIRE PROTECTOR & DESIGN and the description of goods for these registrations are *non-metal security chests*. Registrant admits that each of these marks includes a "flame" design element. Registrant denies each and every remaining allegation is paragraph 8.
9. In response to the allegations contained in paragraph 9 of the Consolidated Petition to Cancel, Registrant admits that it was aware that Petitioner had used a stylized silhouette of a sentry in a sentry box, surrounded by a stylized flame at the time it filed the applications which are the subject of this Cancellation proceeding. Registrant denies each and every remaining allegation contained in paragraph 9.

COUNT I-LIKELIHOOD OF CONFUSION (2(d))

10. Registrant denies each and every allegation contained in paragraph 10 of the Consolidated Petition to Cancel.

11. Registrant denies each and every allegation contained in paragraph 11 of the Consolidated Petition to Cancel.
12. Registrant admits the allegations contained in paragraph 12 of the Consolidated Petition to Cancel.
13. Registrant denies each and every allegation contained in paragraph 13 of the Consolidated Petition to Cancel.

COUNT II- LIKELIHOOD OF DECEPTION/FALSE CONNECTION (2(a))

14. Registrant denies each and every allegation contained in paragraph 14 of the Consolidated Petition to Cancel.
15. Registrant denies each and every allegation contained in paragraph 15 of the Consolidated Petition to Cancel.
16. Registrant denies each and every allegation contained in paragraph 16 of the Consolidated Petition to Cancel.
17. Registrant denies each and every allegation contained in paragraph 17 of the Consolidated Petition to Cancel.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(COUNTS I and II)

NO LIKELIHOOD OF CONFUSION OR DECEPTION/FALSE CONNECTION

18. Registrant's marks do not create a likelihood of confusion, mistake or deception as to source of Petitioner's marks. Petitioner's marks are limited to their highly stylized flame design incorporating the outline of a sentry within a sentry box. The scope of protection to which Petitioner's marks are entitled is further limited by virtue of the numerous third party use of flame designs in connection with similar or related products.
19. Registrant's marks do not cause deception or falsely suggest a connection with Petitioner. Petitioner's marks are limited to their highly stylized flame design incorporating the outline of a sentry within a sentry box. The scope of protection to which Petitioner's marks are entitled is further limited by virtue of the numerous third party use of flame designs in connection with similar or related products.

Wherefore Registrant respectfully requests that the petition to cancel be denied.

Please recognize as attorneys for Registrant in this proceeding, Gary M. Anderson, Registration No. 30,729 and Jessica L. Knost (member of the bar of the State of California) and the firm of Fulwider Patton LLP, 200 Oceangate, Suite 1550, Long Beach, CA 90802

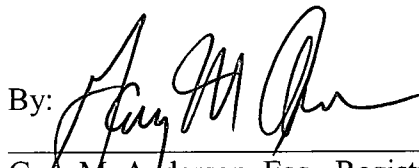
Please address all correspondence to Gary M. Anderson, Esq. at the address listed
Below.

Respectfully submitted,

FULWIDER PATTON LLP

DATED: March 26, 2007

By:



Gary M. Anderson, Esq., Registration No. 30,729
FULWIDER PATTON LLP
200 Oceangate, Suite 1550
Long Beach, California 90802

Attorneys for Registrant

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss:
COUNTY OF LOS ANGELES)

I, Carrie L. Rose, am employed in the county aforesaid; I am over the age of 18 years and not a party to the within action; my business address is 200 Oceangate, Suite 1550, Long Beach, California 90802.

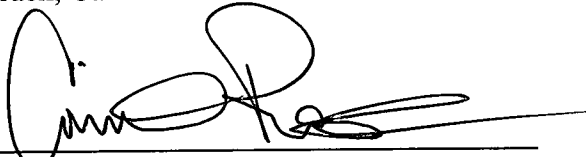
On March 26, 2007, I caused the foregoing document described as: **REGISTRANT'S ANSWER TO CONSOLIDATED PETITION TO CANCEL**, via first class mail on the parties in this action at the following addresses:

Christopher P. Murphy
Arent Fox LLP
1050 Connecticut Ave., NW
Washington, DC 20036

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. Postal Service on that same day, with postage thereon fully prepaid at Long Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing and affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 26, 2007, at Long Beach, California.



Carrie L. Rose